

AEOMICA\_X\_1

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HUMAN GENOME-DERIVED SINGLE EXON NUCLEIC ACID PROBES USEFUL  
FOR GENE EXPRESSION ANALYSIS

the specification of which

(check [X] is attached hereto  
one)

[ ] was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_ and  
was amended on \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, and hereby claim the benefit under 35 U.S.C. § 365(c) of any PCT international application(s) listed below which designated the United States of America, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT application designating the United States in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

<u>09/774,203</u>	<u>January 29, 2001</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>09/632,366</u>	<u>August 3, 2000</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>09/608,408</u>	<u>June 30, 2000</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

Prior PCT Application(s) Designating the U.S.

			<u>Pending</u>	
<u>PCT/US01/00666</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00667</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00664</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00669</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00665</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

<u>PCT/US01/00668</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00663</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00662</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00661</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/US01/00670</u>	<u>PCT</u>	<u>30 January 2001</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim priority benefits under Title 35, United States Code, § 119(a) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate, if any, having a filing date before that of the application on which priority is claimed, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior foreign application for patent in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application::

Prior Foreign Application(s)

Priority  
Claimed

<u>0024263.6</u>	<u>GB</u>	<u>04 October 2000</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim priority benefits under Title 35, United States Code, § 119(e) of any provisional applications for United States patent listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior provisional application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as

defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior Provisional Application(s)

			<u>Priority Claimed</u>	
<u>60/180,312</u> (Number)	<u>US</u> (Country)	<u>04 February 2000</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> [X] Yes	<input type="checkbox"/> [ ] No
<u>60/207,456</u> (Number)	<u>US</u> (Country)	<u>26 May 2000</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> [X] Yes	<input type="checkbox"/> [ ] No
<u>60/234,687</u> (Number)	<u>US</u> (Country)	<u>21 September 2000</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> [X] Yes	<input type="checkbox"/> [ ] No
<u>60/236,359</u> (Number)	<u>US</u> (Country)	<u>27 September 2000</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> [X] Yes	<input type="checkbox"/> [ ] No

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Daniel M. Becker (Reg. No. 38,376)  
Nicola A. Pisano (Reg. No. 34,408)  
Linda E. Rost (Reg. 46,234)

Send correspondence to: Daniel M. Becker  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1104

Direct telephone calls to: Daniel M. Becker  
(650) 617-4000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Sharron Gaynor Penn

First Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 617 South Delaware Street, San Mateo, CA 94402

Citizenship United Kingdom

Post Office Address 617 South Delaware Street  
San Mateo, California 94402

Full name of second inventor David Russell Rank

Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 117 El Dorado Commons, Fremont, CA 94539

Citizenship United States of America

Post Office Address 117 El Dorado Commons  
Fremont, California 94539

Full name of third inventor Wensheng Chen

Third Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 210 Easy Street, #25, Mountain View, CA 94043

Citizenship P. R. China

Post Office Address 210 Easy Street, #25  
Mountain View, California 94043

Full name of fourth inventor David Kagen Hanzel

Fourth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 988 Loma Verde Avenue, Palo Alto, CA 94303

Citizenship United States of America

Post Office Address 988 Loma Verde Avenue

Palo Alto, California 94303